

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO. 5:14-CR-44-FL-2

UNITED STATES OF AMERICA, )

)

)

v. )

)

QUALIK HASSAN TISDALE , )

)

Defendant. )

)


ORDER

This matter is before the court in response to the August 23, 2016, letter from the Federal Bureau of Prisons asking the court's position regarding defendant's request that his 69-month federal sentence for being a felon in possession of a firearm and ammunition be retroactively designated to run concurrent with his several North Carolina state sentences. The pertinent state sentences include the following: 90 days (two terms) for larceny and possession of stolen goods or property; 10-21 months for felony larceny and conspiracy to commit larceny; 75 days for misconduct by a prisoner, misdemeanor assault on a government official or employee, and communicating threats; and 127 days for injury to personal property.

After reviewing defendant's presentence investigation report ("PSR") and the court's judgment, the court determines that it did not intend defendant's 69 month federal sentence to run concurrently with his state sentences. In particular, defendant's federal sentence is unrelated to his state sentences. Further, defendant's PSR reflects that he had an extensive criminal history, including several gun-related convictions, despite the fact he was only 22 years of age at the time the court imposed judgment. Defendant's extensive criminal history reflects that he is a danger to

the community. Finally, the court generally does not recommend that a defendant receive credit for time spent in state custody where credit is not authorized by 18 U.S.C. § 3585(b). Accordingly, the court opposes defendant's request that his federal sentence for being a felon in possession of a firearm and ammunition run concurrently with his North Carolina state term of imprisonment.

SO ORDERED, this the 6th day of September, 2016.

  
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LOUISE W. FLANAGAN  
United States District Judge